

## **Article 15 Amendments**

### **Section 15-1 Amendments In General**

Amendments to the text of this ordinance or to the zoning map may be made in accordance with the provisions of this article.

### **Section 15-2 Initiation of Amendments**

- (A) A request to amend the text of this ordinance including the official zoning map may be initiated by the Town Board of Commissioners, Planning Board, Board of Adjustment, or any property owner or citizen.
- (B) The petition shall be filed with the administrator and shall include the following information, along with the information deemed relevant by the administrator:
  - (1) the name, address, and phone number of the applicant;
  - (2) a description of the land affected by the amendment if a change in zoning district classification is proposed; and
  - (3) a description of the proposed map change (the proposed map change shall be shown on a county tax map) or a summary of the specific objective of any proposed change in the text of this ordinance.
- (C) Upon receipt of a proposed amendment, the Town Board of Commissioners shall establish a date for a public hearing.
- (D) The administrator shall publish a notice of the public hearing on any amendments to this ordinance once a week for two successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be.
- (E) When there is a map amendments, the administrator shall mail written notice of the public hearing by first class mail to the recorded owners for tax purposes of all properties whose zoning classification are changed by the proposed amendment as well as the owners of all properties abutting those parcels of land as shown on the county tax listing. This mail notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing.

**Section 15-3 Board Action on Amendments**

- (A) At the conclusion of the public hearing on a proposed amendment, the Town Board of Commissioners may proceed to vote on the proposed ordinance, refer it for further study, or take any other action consistent with its usual rules of procedure.
- (B) The Town Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- (C) Voting on amendments to this ordinance shall proceed in the same manner as other ordinances. A simple majority of the Town Board of Commissioners shall be required to amend this ordinance.

**Section 15-4 Ultimate Issue Before Town Board of Commissioners on Amendments**

- (A) The Town Board of Commissioners shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Town Board of Commissioners shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- (B) The Town Board of Commissioners shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

**Section 15-5 Protest to Zoning District Changes**

- (A) If a petition opposing a change in the zoning classification of any property is filed in accordance with the provisions of this section, then the proposed amendment may be adopted only by a favorable vote of three-fourths of the membership of the Town Board of Commissioners.
- (B) To trigger the three-fourths vote requirement, the petition must:
  - (1) be signed by the owners of 20 percent or more either of (i) the lots included in proposed change, or (ii) the lots within 100 feet of either side or the rear of the tract to be rezoned, or (iii) the lots directly

opposite the tract to be rezoned and extending 100 feet from the street frontage of such opposite lots;

- (2) be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment;
- (3) be received by the Town Clerk in sufficient time to allow the governing body at least two normal working days before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition; and
- (4) be on a form provided by the Town Clerk and contain all the information requested on this form.

**Section 15-6 Denial of Petition**

When a petition for amendment is denied by the Town Board of Commissioners, a period of 12 months must elapse before another petition for the same change may be submitted.